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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,412	12/03/2001	Kwang Soo Choe	K-0345	5933

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EXAMINER

NELSON, FREDA ANN

ART UNIT PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/998,412

Applicant(s)

CHOE ET AL

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10, 12 and 68-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12 and 68-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on January 9, 2007 is acknowledged and entered. Claims 12 and 10 have been amended. Claims 6-9, 11, and 13-67 have been canceled. Claims 68-70 have been added. Claims 1-5, 10, 12, and 68-70 are currently pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 9, 2007 has been entered.

Response to Amendments and Arguments

Applicant's arguments filed January 9, 2007 have been fully considered but they are not persuasive.

In response to the applicant's argument that Leonard et al. relates to ordering a service and this is not a tangible product as recited in the claims of the present application, the examiner respectfully disagrees.

Leonard et al. disclose "after receiving a product selection from pull down menu 510, client 10 may display additional options in options area 520. Note, for some

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product selections, no options will be available in options area 520. In the case illustrated, however, client 10 may select from several options for the product selection (col. 12, lines 29-44; FIG. 10). And according to "Merriam-Webster's Collegiate Dictionary, 10 Edition", "tangible" means "capable of being identified or realized by the mind". Therefore, product selections of a communication service are not intangible although the added material "tangible products" is not supported by the applicant's original disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (Patent Number 6,324,522).

As per claim 10, Peterson et al. disclose an e-commerce system, comprising:
a database server configured to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of products (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16); and

a web server, coupled to the database server, and configured to operate a web site to receive on-line orders for an on-line sale of each of the plurality of products,

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acquire information about the respective products and dealing companies and registering the acquired information to the database server, and perform order control for order-generating dealing companies, when an order for a product purchase is generated from the corresponding dealing companies (col. 43, lines 19-30).

an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies in accordance with the information about the products registered in the database server and information about the respective dealing companies (col. 5, lines 4-15; FIGS. 13-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (Patent Number 6,324,522), in view of Leonard et al. (Patent Number 6,085,171).

As per claims 1 and 2 and 68, Peterson et al. disclose an e-commerce system, comprising:

a database server configured to store information relating to at least one of a plurality of dealing companies, orders placed by each of the plurality of dealing

companies, tangible products for sale, and order-available tangible products for the respective dealing companies (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16);

a web server, coupled to the database server, and configured to operate a web-site to receive order sheets on-line from the plurality of dealing companies for on-line sale of the tangible products for sale and to select the order-available tangible products for corresponding ones of the plurality of dealing companies to display only the available products on an interface screen (col. 43, lines 19-30);

an information acquisition server, coupled to the database server and configured to acquire information about each of the plurality of dealing companies, and to register the acquired information on the database server (FIG. 11); and

an order control server configured to gather information about tangible products ordered through the web server and respective product order error items stored in the database server, and to determine whether an error of a corresponding tangible product order is correct, and to execute a selective order control in accordance with the determination (col. 5, lines 4-15; FIGS. 13-16).

Peterson et al. do not disclose a database server configured to store information relating to product order errors. Peterson et al. do not further disclose an order control server configured to gather information about the respective order error items stored in the database server, and to determine whether the error of the corresponding order is correct, and to execute a selective order control in accordance with the determination. However, Leonard discloses a connection between an agent and a server to check for many of the commonly encountered errors in order data, to submit orders

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electronically, including the signature authorization form, and to update the agent's order entry software (col. 1, lines 39-45); the connection also allows the server to quickly communicate errors that it detects in the orders to the client for correction (col. 2, lines 16-24; FIG. 5); and client 10 may select from several options for the product selection (col. 12, lines 23-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Leonard in order to have the ability to detect errors.

As per claims 3-4, Peterson et al. do not disclose the system further comprising a divisional order processing server, configured to perform a scheduled order processing so that a shipment amounting to a partial quantity of a total order quantity of the order-confirmed product is performed at prescribed times, and to register the items of the scheduled order processing to a temporary order information storage unit; and wherein the temporary order storage unit comprises a prescribed information storing area allocated randomly to the database server, however, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claims 3

and 4, including an e-commerce system including order processing server are disclosed in Peterson et al. as described herein. Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

As for claim 5, Peterson et al. disclose the system further comprising a shipment coupled to a warehouse network, and configured to manage each of plurality stored warehouse products in stock so as to confirm a shipment of the corresponding order quantity of each of the orders, wherein the shipment confirmation server is configured to be controlled in connection with the web server and database server respectively.

As per claims 69-70, Peterson et al. do not disclose the system wherein the product order errors are obtained by the order control server from a previously established error list in the database server; and wherein the product order errors in the previously established error list comprise at least one of ordered tangible product not for sale errors, dealing companies listed as bad errors, minimum order quantity and price errors, or insufficient stock of ordered tangible product errors, however, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural

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limitations of claims 69-70, including an e-commerce system including order processing server and order control server are disclosed in Peterson et al. as described herein.

Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. in view of Kirsch (Patent Number 5,963,915).

As per claim 12, Peterson et al. do not expressly disclose the system of claim 10, wherein the order restriction information includes at least one of amounts in stock by the respective models of sales products, sale or sale-suspension of the respective models of the sales products, out-of-production or production of the respective models of the sales products. However, it is old and well known in the business industry to place restrictions on orders so products are not ordered which are out of stock or not carried by the merchant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of restricting orders in order to maintain ordering structure.

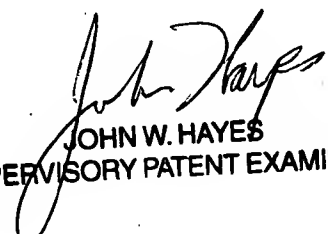
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 01/22/07



JOHN W. HAYES
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